

March 4, 2021

To: Flood and Water Management Council
Attention: Melissa Joy

**Re: NRCB Application #1701 – Springbank Off-Stream Reservoir Project
FWMC Request that NRCB Reconsider Pre-Hearing Conference Standing
Decision**

The NRCB review panel has instructed me to provide its response to your February 26, 2021 request for the NRCB to reconsider its decision to deny directly affected party standing to the Flood and Water Management Council (FWMC). This letter reflects the review panel's decision.

This is the third standing request made by the FWMC. Previous requests were dated November 20, 2020 and January 28, 2021 and the review panel provided reasons responding to each request. The NRCB pre-hearing conference report (PHC report) includes a clear statement on the "closeness test" used by the review panel to assess party standing.

The review panel finds that the FWMC has not met its burden to establish that it may be directly affected by the SR1 project. It notes that your request identifies the effects experienced by Ms. Joy during the 2013 Calgary flood. The request does not disclose a chain of causality that would constitute direct effects associated with the SR1 project upon Ms. Joy or other identified members of the FWMC. This reasoning is consistent with the reasoning the review panel used in the December 10, 2020 PHC report in relation to Robert Madlener, who similarly did not meet the burden to establish he was directly affected by SR1. As this is the third standing request from the FWMC and the date for submissions has now passed, the review panel will not entertain further standing submissions from the FWMC.

The review panel appreciates and will have regard for the FWMC written submissions filed on February 25 and 26, 2021 on the hearing issues. The panel notes that dam safety is under close examination by other intervenors and will be a topic of review at the hearing. However, the FWMC will not have the opportunity to present oral evidence, cross-examine hearing participants or present final argument.

Yours truly,



Bill Kennedy
General Counsel